

Summary of Telephone Interview

Applicants thank Examiner for the Interview extended to their Attorney on June 5, 2008. In that Interview, Applicants' Attorney conceded to Examiner that the basic reference Edinger et al. (US2002/0194047) was a good reference but Applicants submitted that Edinger was not an anticipatory reference under 35 USC 102. Applicants indicated that Edinger related to subject matter similar to the subject matter of the present invention. Both the present invention and Edinger relate to implementation for enabling a customer service agent for a software marketer or like organization to ask appropriate questions of telephone callers with software product defects so to obtain the information desired by the marketer concerning the software product defect. Applicants pointed out that a significant difference between the Edinger disclosure and the present claimed invention was that the questions which the service agent was initially prompted to ask in the present invention related to the category or type of defect while the questions which the service agent in Edinger asked related to the severity of the defect problem.

In any event, in order to avoid 35 USC 102 issues, Applicants indicated in the interview their intent to amend the claims so that the specific elements of dependent claims 5-6; 11-12; and 17-18 were respectively incorporated in their independent claims 1, 7, and now 19. Therefore, the only rejection which will have to be addressed hereinafter in this response will be the rejection of the claims under 35 USC 103(a) over Edinger in view of Schneier (US7,159,237).

REMARKS

Summary of Claims

Cancelled claims: 5-6, and 11-18.

Remaining claims 1-4, 7-10, and new claims 19-22.

Rejection under 35 USC 112, 2nd Paragraph has been Satisfied

As suggested by Examiner program product claims 13-18 have been cancelled, and rewritten, as new claims 19-22 which clearly define the contribution of the computer program. The new claims 19-22 describe the computer program product as a computer usable medium having a computer readable program stored thereon which computer program, when executed, performs the described functions. Accordingly, it is respectfully requested that the rejection under 35 USC 112, 2nd paragraph be withdrawn.

Rejection of the Claims under 35 USC 102(b) as Anticipated by Edinger (US2002/0194047) is no longer Applicable

All of the claims have now been amended to respectively include the elements of claims 6, 12 , and 18. Thus, as will be set forth hereinbelow, Applicants will consider the patentability of the claims with respect to the combination of Edinger in view of Schneier under 35 USC 103(a)

The rejection of claims 1-4, 7-10, and 19-22 as unpatentable under 35 USC 103(a) over Edinger (US2002/0194047) in view of Schneier (US7,159,237) is respectfully traversed

Both the present invention and Edinger relate to implementation for enabling a customer service agent for a software marketer or like organization to ask appropriate questions of telephone callers with software product defects so to obtain the information desired by the marketer concerning the software product defect. Applicants submit that a significant difference between the Edinger disclosure and the present claimed invention is that the questions which the service agent is initially prompted to ask in the present invention related to the category or type of defect.

On the other hand, the questions which the service agent in Edinger asked related to the severity of the defect problem.

Thus, the initial function in the present invention is to prompt the service agent to select a kind or type of defect while the initial function in Edinger just determines the degree or severity of the defects i.e a numerical determination.

In the present claims, once a defect category is determined and selected by the customer service agent, then in response to such a selection, the agent is then prompted to respond to a set of statistical questions related to the tracking of the selected defect category so that the selected category may be tracked for statistical purposes.

The claims have been amended to set forth this statistical tracking. Reference is made to page 11 of the present specification, lines 22-29 referring to steps 83-85 of Fig. 5 of this Application's Drawings in support of this amended element.

Edinger is concerned with determining levels of defect severity. Thus, even where Edinger may suggest subsequent prompts to the service agent in response to the initial selection of a defect severity level, such subsequent prompts would not for the purpose of getting more information for statistical purposes to be used in marketing as claimed in the present invention. Rather, in Edinger, such subsequent prompts appear to be for the purpose of solving the particular defect problem of which the severity level was initially determined.

In order to further distinguish over Edinger, all of the claims now include the elements of claims 6 wherein the service agent is enabled to enter unprompted general comments relative to defects wherein such comments are available for the subsequent market analysis of the statistical data obtained through the subsequent service agents prompts.

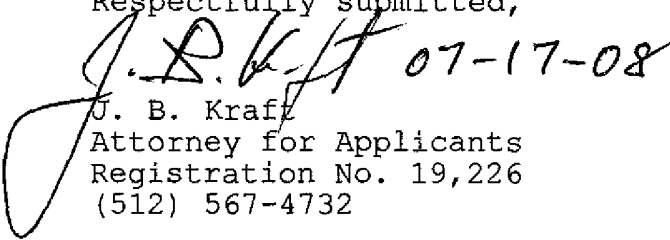
The Schneier patent does disclose the entry of unprompted general comments made by telephone to a service agent. However, in the Schneier operation, such comments are directed to the detection of unauthorized intrusions into a secured network. At best, this may said to teach the entry

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of comments made by a customer to service agent. It is not suggestive of anything relative to the entry of unprompted general comments relative to defects wherein such comments are available for the subsequent market analysis of the statistical data obtained through the service agents prompts which were made in response to an initial determination of the existence of a selected type of problem.

In view of the foregoing, claims 1-4, 7-10, and 19-22 are submitted to be unobvious, and thus patentable under 35 USC 103(a) over Edinger in view of Schneier.

Respectfully submitted,

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